

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16686 OF 2007

DATED 07th AUGUST, 2007

BETWEEN:

Chintapandu Ramadevi and others.

... Petitioners

AND

The District Collector, Karimnagar District, Karimnagar and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO
WRIT PETITION NO.16686 OF 2007

ORDER:

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The three petitioners are residents of Appannapeta Village of Peddapalli Mandal in Karimnagar District. The election to the office of Sarpanch of the said Village was held on 29.07.2006. The fourth respondent was elected as Sarpanch. The petitioners herein along with others made complaints to first respondent on 03.01.2007, 09.04.2007 and 10.07.2007 alleging that fourth respondent incurred disqualification under Section 19(3) of A.P.Panchayat Raj Act, 1994 (the Act, for brevity), by reason of having three children and therefore, he cannot continue as Sarpanch. Alleging that no action is taken on their applications, present writ petition is filed.

After hearing learned counsel for petitioners and perusing applications made by petitioners along with others, there cannot be any denial that petitioners have not made any application initially to the executive authority (Panchayat Secretary of Appannapeta Village or Gram Panchayat). The District Collector nowhere figures in the scheme of Section 22(1) of the Act, which enables competent authority to decide the question of disqualification of the Sarpanch. The scope of Section 22 of the Act has been considered by this Court in **N.Tirupataiah v District Panchayat Officer, Nellore**^[1]. According to Section 22 of the Act, an application has to be made to executive authority/Panchayat Secretary, who has to intimate such an allegation of disqualification to concerned Member through District Panchayat Officer. In view of this, the applications made by petitioners cannot be considered. Liberty is, however, given to petitioners to approach and give complaint to executive authority raising allegations of disqualification of fourth respondent.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

07.08.2007.
pln

^[1] 2005 (1) ALD 181